

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA )  
 )  
v. ) CRIMINAL NO. 08-0061-WS  
 )  
GUITTEN HIPPOЛИTE, ) CIVIL NO. 09-0450-WS-N  
 )  
Petitioner. )

**ORDER**

This matter comes before the Court on a Report and Recommendation (doc. 69) entered by the Magistrate Judge back on June 30, 2010. In particular, the Magistrate Judge recommended that petitioner's motion to vacate filed pursuant to 28 U.S.C. § 2255 be dismissed without prejudice on the grounds that (1) petitioner had submitted a letter motion asking that his § 2255 petition be voluntarily dismissed to enable him to file a new action later, and (2) petitioner failed to respond to a court-provided opportunity to amend his petition now in lieu of taking a voluntary dismissal.

Petitioner has not objected to the Report and Recommendation, and the time for doing so has long since expired. After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated June 30, 2010, is **adopted** as the opinion of this Court. Accordingly, petitioner's Motion for Voluntary Dismissal (doc. 67) is **granted** and his § 2255 petition is **dismissed without prejudice**.

**DONE** and **ORDERED** this 23rd day of August, 2010.

s/ WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE